UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

COREY D. FRANK,

      Petitioner,

          v.   CAUSE NO. 3:25-CV-497-GSL-JEM

WARDEN,

      Respondent.

OPINION AND ORDER

Corey D. Frank, a prisoner without a lawyer, filed a habeas petition challenging a disciplinary decision (ISP-24-2-354) at the Indiana State Prison in which a disciplinary hearing officer (DHO) found him guilty of tampering with a lock under Indiana Department of Correction Offense 226. He was sanctioned with a loss of ninety days earned credit time, but the sanction was suspended and has not been imposed. Pursuant to Section 2254 Habeas Corpus Rule 4, the court must dismiss the petition "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court."

"[A] habeas corpus petition must attack the fact or duration of one's sentence; if it does not, it does not state a proper basis for relief under § 2254." *Washington v. Smith*, 564 F.3d 1350, 1351 (7th Cir. 2009). According to the petition and the attached hearing report, no sanction affecting the duration of Frank's sentence, such as a loss of earned credit time or a credit class demotion, was imposed. Because Frank's claims do not relate to the fact or duration of his sentence, the court cannot grant him habeas relief.

If Frank wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed in forma pauperis on appeal because the court finds pursuant to 28 U.S.C. § 1915(a)(3) that an appeal in this case could not be taken in good faith.

For these reasons, the court:

(1) DENIES the habeas corpus petition (ECF 2);

(2) DIRECTS the clerk to enter judgment and close this case; and

(3) DENIES Corey D. Frank leave to proceed in forma pauperis on appeal.

SO ORDERED on June 13, 2025

/s/Gretchen S. Lund
JUDGE
UNITED STATES DISTRICT COURT